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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/723,675

11/28/2000

John K. Roberts

GEN10 P-333

6008

28469

7590

10/03/2003

PRICE, HENEVELD, COOPER, DEWITT, & LITTON  
695 KENMOOR, S.E.  
P O BOX 2567  
GRAND RAPIDS, MI 49501

EXAMINER

SEMBER, THOMAS M

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/723,675

Applicant(s)

ROBERTS ET AL.

Examiner

Thomas M Sember

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-18, 104-113 and 119-208 is/are pending in the application.
- 4a) Of the above claim(s) 124-152, 170-196, 207 and 208 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-18, 104-113, 119-123, 153-169 and 197-206 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's election with traverse of the species of figure 1 in Paper No. 14 is acknowledged. The applicant never argues why the restriction is traversed but does argue that some additional claims should be examined because they are generic. These arguments are found persuasive.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(f) he did not himself invent the subject matter sought to be patented.

Claims 1-3, 6-9, 11, 15-17, 108-111, 113, 119-123, 153-154, 157-160, 163-169, 197-201 and 203-206 are rejected under 35 U.S.C. 102(f) as being anticipated by Turnbull et al ('072) or Turnbull et al ('579). Claims 1-3, 6-9, 11, 15-17, 108-111, 113, 119-123, 153-154, 157-160, 163-169, 197-201 and 203-206 of this pending application has a different inventive entity and was not commonly owned at the time of applicant's invention. Turnbull et al ('072) or Turnbull et al ('579) discloses a solid state first emitting light source with a wavelength less than about 530 nm when DC voltage is applied thereto. A second light source having a dominant wavelength of less than 625 nm is combined with first solid state light source so that light projected from the two sources overlap and form white light.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-5, 12-14, 18, 105-107, 112, 155, 156, 161-162, 202 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallmeyer in view (Bojarczuk, or Shimizu or Butterworth or Polyan). Gallmeyer teaches the claimed invention except for the teaching of using two light sources to create white light. It would have been obvious to one skilled in the art at the time the inventions were made to modify the white light source of Gallmeyer with the light source assemblies of (Bojarczuk, or Shimizu or Butterworth or Polyan) in order to create a highly efficient white light illuminator so a user can read a map at night.

### ***Response to Arguments***

Applicant's arguments filed on 10/15/02 and 03/24/03 have been fully considered but they are not persuasive. The applicant doesn't have support in parent patent 5,803,579 for the subject matter claimed in claims 4-5, 12-14, 18, 105-107, 112, 155, 156, 161-162 and 202 . The applicant argues that the parent patent does cover the claimed subject matter claimed in claims 4-5, 12-14, 18, 105-107, 112, 155, 156, 161-162 and 202 because in column 20, lines 9-24 the applicant states that other narrow band light sources can be used. This argument is not found persuasive. The applicant now attempts to broaden the claims to include a photoluminescent light source, El light source, LEP, OLED , a light source which responds to voltages less than 13 volts and fluorescent or phosphor dye or pigments combined with another light to create white light. There is no support for such language and the prior art references which

were filed before applicant incorporated such language into his November, 28, 2000 application are still used to reject claims 4-5, 12-14, 18, 105-107, 112, 155, 156, 161-162, 202

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703) 305-4939. The fax phone number for this group is (703) 308-7724.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900.

A handwritten signature in black ink, appearing to read 'Thomas M. Sember', is written over the printed name.

Thomas M. Sember

Primary Examiner

9/21/03